

REMARKS

Applicant hereby traverses the outstanding objection and rejections and requests reconsideration and withdrawal in light of the remarks contained herein. Claims 3-4 and 14-15 are indicated as having allowable subject matter. Claims 1-20 are pending in this application.

Objection to the Drawings

The Office Action has objected to the drawings, specifically that the Figures must show the formulas for the PID factors.

Applicant respectfully notes that Figure 3 depicts PID controller(s) 24 which is a structural element that uses the PID factors. Thus, Applicant believes that depiction satisfies the requirements of the Office Action. Moreover, Applicant notes that 35 U.S.C. § 113 provides that the applicant shall furnish a drawing where necessary for the understanding of the subject matter to be patented. In the instant case, the PID factors can be understood from the text of the specification and a drawing that merely shows the PID factors does not provide any better understanding of the PID factors than the understanding ascertained from the specification.

Accordingly, the Applicant requests that the Examiner reconsider and withdraw the drawing objection.

Rejection under 35 U.S.C. § 103

Claims 1-2, 5-13, and 16-20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Eilert et al. ('739, hereinafter Eilert) in view of Qiu et al. ('US 2002/0129048 A1, hereinafter Qiu).

Applicant respectfully asserts that Qiu is not a proper prior art reference. The filing date for Qiu is October, 3, 2001, and is a continuation of an application filed on September 6, 2001. This Application has a filing date of January 28, 2000, which is prior to the filing date of the Qiu reference. Thus, Qiu is not a proper prior art reference for this Application. Eilert is not relied upon as teaching all elements of the claimed invention. Therefore, the Applicant

Application No.: 09/493,753

Docket No.: 10992091-1

respectfully asserts that for the above reasons claims 1-2, 5-13, and 16-20 are patentable over the 35 U.S.C. § 103(a) rejection of record.

Conclusion

The Examiner is thanked for the indication that claims 3-4 and 14-15 include allowable subject matter.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Applicant believes no fee is due with this response. However, if a fee is due, please charge Deposit Account No. 08-2025, under Order No. 10992091-1 from which the undersigned is authorized to draw.

Dated: June 25, 2004

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV482734871US, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: June 25, 2004

Signature: 

Lisa J. Collins

Respectfully submitted,

By 

Michael A. Papalas

Registration No.: 40,381

Attorney for Applicant

(214) 855-8186